REMARKS

This is in response to the Office Action mailed September 8, 2006, in which the Examiner rejected claims 1-25. With this Amendment, Applicant has amended claim 1. Reconsideration of the application as amended is respectfully requested.

Claim Objections

In the Office Action, the Examiner objected to claim 1 due to an informality. With this Amendment, Applicant has corrected the error and requests that the objection be withdrawn.

Claim Rejections – 35 U.S.C. §102

In the Office Action, the Examiner rejected claims 1-25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication Number 2004/0117358 A1 issued to Tim von Kaenel et al. (hereinafter "Kaenel"). Applicant respectfully disagrees with the Examiner's assessment of the cited reference.

Claims 1-8

A *prima facie* case of anticipation has not been established with respect to claim 1. For instance, the Examiner cites paragraph 0248 of Kaenel as identically disclosing "a) providing customized metadata defining entities". However, the cited paragraph lists various solutions the invention provides, none of which include "providing customized metadata defining entities" as provided in claim 1. In fact, the cited paragraph does not mention "metadata" at all. Moreover, the cited paragraph fails to disclose that such metadata defines entities. Therefore, the cited section of Kaenel fails to identically disclose step a) of claim 1.

The Examiner also found paragraph 0324 of Kaenel to identically disclose "b) storing the customized metadata and data corresponding to the entities in a first data store" as provided in claim 1. Paragraph 0324 describes the distributed computing environment depicted in FIG. 15. While FIG. 15 shows a metadata store 1570 and a data store 1560, nowhere in the cited paragraph is there any disclosure that the metadata in the store 1570 are

"customized metadata defining entities" or that the data in the store 1570 corresponds to the entities. Therefore, the cited paragraph fails to identically disclose step b) of the method.

The Examiner found paragraph 0329 of Kaenel to identically disclose "c) providing a subscription list of the entities, the subscription list being a defined by subscription metadata stored in a subscription data store of a mobile computing device", as provided in claim 1. However, the cited paragraph merely describes how the metadata is used to "locate, retrieve, and render the data for the client software 1590." Additionally, the cited paragraph does not mention "a subscription list", "subscription metadata", "a subscription data store" or "a mobile computing device" as provided in step c) of claim 1. Accordingly, the cited paragraph does not disclose the elements of step c) of the method.

For instance, neither of the stores 1560 and 1570 of the distributed computing environment 1500 shown in FIG. 15 is disclosed as being components of a mobile computing device. Thus, there is no data store disclosed in the cited paragraph or even FIG. 15 of Kaenel that one could reasonably construe as identically disclosing the claimed "subscription data store of a mobile computing device". Therefore, the cited paragraph fails to identically disclose step c) of the method.

The Examiner also found paragraph 0329 of Kaenel to identically disclose "sending the customized metadata corresponding to the entities identified in the subscription list to the mobile computer device", as provided in step d) of claim 1. However, the cited paragraph fails to disclose a mobile computing device, a subscription list or sending metadata to a mobile computing device based on a subscription list. Therefore, the cited paragraph fails to identically disclose step d) of the method.

The Examiner found paragraphs 0065, 0337 and FIG. 18 to identically disclose "storing the sent customized metadata in a second data store of the mobile computing device", as provided in step e) of claim 1. However, nowhere in the cited paragraphs or figure is there any disclosure of a mobile computing device or a second data store of a mobile computer device. Therefore, the cited paragraph fails to identically disclose step e) of the method.

Additionally, there does not appear to be any connection between many of the paragraphs cited by the Examiner. That is, even assuming that the paragraphs, taken

individually, disclose each of the elements of claim 1, the cited paragraphs do not disclose the invention of claim 1 when the elements of claim 1 are considered as a whole.

Accordingly, a *prima facie* case of anticipation has not been established against claim 1 because the cited paragraphs fail to identically disclose each of the claimed elements. As a result, Kaenel fails to anticipate claim 1 and Applicant requests that the rejection of claim 1 be withdrawn.

Claims 2-8 are not anticipated by Kaenel for at least the reasons set forth above with regard to claim 1. Additionally, the cited paragraphs of Kaenel fail to disclose the elements of claims 2-8.

In rejecting claim 2, the Examiner cited paragraph 400 of Kaenel, which discusses how the invention allows for multiple data layers to be printed. However, the cited section is unrelated to the a software-implemented business process of claim 2. In particular, the cited paragraph does not disclose "sending the data corresponding to the entities identified in the subscription list to the mobile computing device" as provided in claim 2. Additionally, there is no connection between the disclosure of paragraph 400 and the stores 1560 and 1570 discussed in paragraph 0324, which was also cited by the Examiner, including "storing the sent data in the second data store", as described in claim 2. Moreover, there is no connection between the disclosure of paragraph 400 and the paragraphs cited as disclosing the elements of claim 1. Accordingly, claim 2 is not anticipated by Kaenel.

The Examiner found paragraph 0471 of Kaenel to identically disclose "populating an entity defined by the sent customized metadata with the corresponding sent data" as described in claim 3. However, nowhere in the cited paragraph is there any discussion of populating an entity as describe in claim 3. Moreover, there is no relationship between the disclosure of paragraph 0471 and the paragraphs of Kaenel cited by the Examiner in the rejections of claims 1 or 2, from which claim 3 depends. Accordingly, claim 3 is not anticipated by Kaenel.

The Examiner also cited paragraph 0471 as identically disclosing "displaying the populated entity on the mobile computing device in accordance with a form defined by the sent customized metadata for the populated entity" as provided in claim 4. However, the

nowhere in the cited paragraph is there any discussion of displaying the claimed populated entity on a mobile computing device in accordance with a form, as described in claim 4. Accordingly, claim 4is not anticipated by Kaenel.

In ejecting claim 5, the Examiner found paragraph 0354 to disclose "wherein the mobile computing device is selection from a group consisting of a mobile phone and a personal digital assistant (PDA)". However, the cited paragraph fails to even mention a mobile computing device, a mobile phone or a PDA that is in accordance with the present invention. Rather than being used as described in claim 5, the device disclosed in paragraph 0354 is only used to generate spatial data. For example, the device disclosed in paragraph 0354 does not include the claimed "subscription list" or "subscription data store". Additionally, the device of Kaenel does not receive customized metadata corresponding to the entities identified in the subscription list (step d) and it does not store the customized metadata in a second data store of the device (step e).

Accordingly, withdrawal of the rejections of claims 2-8 is respectfully requested.

Claims 15-18

Independent claim 15 is directed to a system configured to customize a computer-implemented business process. In supporting the rejection of claim 15, the Examiner identified paragraph 0269 of Kaenel as disclosing the claimed synchronizer, and referred Applicant to the rejection of claim 1 for the disclosure of the remaining elements of claim 15.

However, in rejecting claim 1, the Examiner did not identify where Kaenel disclose "a user interface configured to generate customized metadata defining entities in response to user input", "a first data accessing system configured to access the customized metadata and the data contained in the first data store", "a mobile computing device including . . . a subscription metadata store . . . a second data store . . . and a second data access system configured to access the subscription metadata and the second data store" as provided in claim 15.

Additionally, paragraph 0269 does not disclose a "synchronizer" or other component that is "configured to send the customized metadata corresponding to the entities identified in

the subscription list to the mobile computing device for storage in the second data store", as provided in claim 15.

Therefore, withdrawal of the rejection is respectfully requested.

Additionally, Applicant submits that claims 16-18 are not anticipated by the cited reference for at least the reasons set forth above with regard to claims 1 and 15 and requests that the rejections be withdrawn.

Independent Claims 9 and 19 and Related Dependent Claims

In rejecting independent claims 9 and 19, the Examiner refers Applicant to the rejections of claims 1-8 and 15.

The paragraphs of Kaenel cited by the Examiner in rejecting claims 1-8 and 15 do not disclose several steps of the method of customizing a software implemented business process described in claim 9. For example, as discussed above with respect to claim 1, paragraph 0248 of Kaenel does not disclose the step of "providing customized metadata defining entities", paragraph 0324 of Kaenel does not disclose "storing the customized metadata and data corresponding to the entities in a first data store", and paragraph 0329 of Kaenel does not disclose "providing a subscription list of the entities, the subscription list being defined by subscription metadata stored in a subscription data store of a mobile computing device", as provided in independent claim 9.

Additionally, the Examiner has not identified where Kaenel et al. disclose "populating the entities identified by the subscription list with the corresponding data in accordance with the customized metadata; sending the populated entities to the mobile computing device; and storing the populated entities in an object data store of the mobile computing device", as provided in claim 9. These steps are not disclosed in the paragraphs cited by the Examiner with respect to claims 2 and 3, for the reasons set forth above.

Moreover, the populating, sending and storing steps of claim 9 describe a feature of the invention that is different from that provided in claims 2 and 3. For instance, the populating, sending and storing steps of claim 9 describe how the populated entities are sent to the mobile computing device, as opposed to sending the data to the mobile computing

device then populating the entities as described in claims 2 and 3. None of the paragraphs cited by the Examiner with respect to claims 1-8 and 15 describe this feature.

Accordingly, claim 9 and claims 10-14, which depend from claim 9, are not anticipated by Kaenel.

Claim 19 is directed to a method of customizing a software-implemented business process on a mobile computing device. As with claim 9, several of the steps of claim 19 that the Examiner may have construed as overlapping steps of claims 1-8 are not disclosed by the paragraphs of Kaenel that were cited by the Examiner as disclosing the similar steps of claims 1-8. For example, as discussed above with regard to claim 1, paragraph 0248 of Kaenel does not disclose the step of "providing customized metadata defining customizations of the software-implemented business process" and paragraph 0324 of Kaenel does not disclose "storing the metadata in a data store of the mobile computing device", as provided in independent claim 19.

Additionally, claim 19 includes method steps that are not explicitly described in claims 1-8 and 15 and, thus, the Examiner did not identify the disclosure of Kaenel that corresponds to such steps. For example, claims 1-8 and 15 do not include steps of "deploying the metadata to the mobile computing device" or "applying the customizations defined by the metadata to the software-implemented business process", as provided in claim 19, and the Examiner did not identify where such steps were disclosed in Kaenel. Accordingly, a *prima facie* case of anticipation has not been established against claim 19.

Therefore, claim 19 and its dependent claims 20-25 are not anticipated by Kaenel.

Request For Examiner's Interpretation of the Claim Language and Cited Paragraphs

Throughout the Office Action, the Examiner cites various sections of Kaenel as disclosing specific elements of the claims. However, the Examiner does not provide any explanation as to how the conclusion was reached that the cited paragraphs read on the claim language. That is, there is no explanation as to 1) how the claim language has been interpreted; and 2) how the cited paragraphs have been interpreted such that they read on the claim language. Without such an explanation, the Examiner's position cannot be clear resulting in little, if any, narrowing of the issues of the case.

Should the Examiner maintain any rejections based on the Kaenel, Applicant requests that the Examiner provide a clear explanation of how the reference and the claim language are being interpreted. Additionally, Applicant requests that the Examiner identify the particular elements within the cited passages that the Examiner believes reads on the claim language. Finally, Applicant requests that the Examiner allow Applicant at least one opportunity to fully respond to the Examiner's interpretation of the cited reference and the claim language including the opportunity to amend the claims in the event that the Examiner's arguments are persuasive. Therefore, Applicant requests that the next office action not be made final in order to provide Applicant with that opportunity.

Conclusion

In view of the above remarks, Applicant believes that the present application is in condition for allowance. Reconsideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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